

REMARKS

Claims 5, 8, 10, 11 and 20-22 have been amended in accordance with the Examiner's suggestions in the first two paragraphs on page 3 of the Action so as to avoid depending from a rejected claim as well as putative multiple dependency. No 'new matter' has been added. In view of the Examiner's indication that these claims (as well as claim 23) would be allowable if so amended, prompt notice to that effect is respectfully requested.

The rejections of claims 20 and 21 under 35 USC 112, first and second paragraphs, for lack of enablement as well as for indefiniteness, set forth at pages 3-9 of the Action, are respectfully traversed inasmuch as the Examiner has failed to support these allegations with any degree of particularity. They are simply unsupported conclusions without any attempt to establish the knowledge of one skilled in the art, either with regard to enablement or with regard to the clarity of the phrase 'antibacterially effective amount.' Accordingly, this rejection is untenable and should be withdrawn.

The rejection of claims 1-4, 7 and 9 for anticipation under 35 USC 102(a), set forth on pages 9 and 10 of the Action, based solely on the disclosure of the cited Darby et al. reference, is hereby respectfully traversed because, inter alia, as a review of the disclaimer at the end of claim one shows, compound 37 of the reference upon which the Examiner relies for anticipation, is actually expressly excluded by the 'excluding' disclaimer at the end of claim 1. Further, the Darby et al reference discloses compound 37 merely as an intermediate, but not as being useful for the treatment of bacterial infections. This argument, the substance of which was presented in the previous response, has not been addressed, much less refuted, by the Examiner. Thus, the rejection under 35 USC 102 is untenable and should be withdrawn.

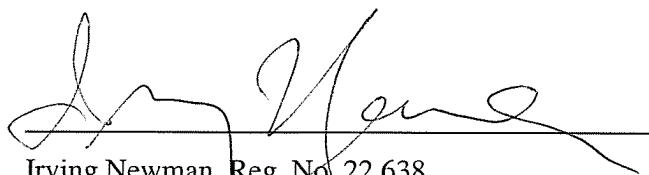
The Examiner's indication that claim 23 is allowable is again appreciatively acknowledged.

CONCLUSION

In view of the foregoing, favorable reconsideration and prompt Notice of Allowance of all of the pending claims are earnestly solicited

The Commissioner is hereby authorized to charge any fees that are due to this paper to

Deposit Account No. **18-1982** for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.



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